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*Special Counsel for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

DAVID ABEL,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04381 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Windels Marx Lane & Mittendorf, LLP, and defendant David Abel (“Defendant”), by and through his counsel, Chaitman LLP (together, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed a Complaint against Defendant.
2. On August 13, 2015, Defendant filed an Answer to the Complaint.
3. On January 28, 2016, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [Dkt. No. 3181] (the “Settlement Agreement”).

4. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendant in the above-captioned adversary proceeding and dismissing of the adversary proceeding without costs to either party.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: New York, New York
January 28, 2016

By: /s/ Howard L. Simon
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*Special Counsel for Irving H. Picard, Esq., Trustee for the
Substantively Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L. Madoff*

Dated: New York, New York
January 28, 2016

By: /s/ Helen Davis Chaitman
Helen Davis Chaitman (hchaitman@chaitmanllp.com)
Chaitman LLP
465 Park Avenue
New York, New York 10022
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Attorneys for Defendant

SO ORDERED

Dated: February 5th, 2016

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE